

AMENDED IN ASSEMBLY JULY 1, 1996
AMENDED IN ASSEMBLY JUNE 4, 1996
AMENDED IN ASSEMBLY MAY 21, 1996
AMENDED IN ASSEMBLY APRIL 9, 1996
AMENDED IN SENATE JANUARY 25, 1996
AMENDED IN SENATE JANUARY 23, 1996
AMENDED IN SENATE JANUARY 8, 1996

SENATE BILL

No. 1306

Introduced by Senator Wright

February 24, 1995

An act to amend Section 695.221 of the Code of Civil Procedure, and to amend Section 11350.5 of the Welfare and Institutions Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

SB 1306, as amended, Wright. Support.

(1) Existing law specifies the priorities for the distribution of satisfaction of a money judgment for support.

This bill would provide for the distribution between multiple families owed support under specified circumstances. The bill would impose a state-mandated local program by adding to the duties of district attorneys.

(2) Existing law provides that individuals who are subject to withholding of unemployment compensation or unemployment compensation disability benefits for payment

of support obligations be notified, as specified, with respect to such withholding.

This bill would add to that notice requirement, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 695.221 of the Code of Civil
2 Procedure is amended to read:
3 695.221. Satisfaction of a money judgment for support
4 shall be credited as follows:
5 (a) The money shall first be credited against the
6 current month's support.
7 (b) Any remaining money is next to be credited
8 against the accrued interest that remains unsatisfied.
9 (c) Any remaining money shall be credited against the
10 principal amount of the judgment remaining unsatisfied.
11 If the judgment is payable in installments, the remaining
12 money shall be credited against the matured installments
13 in the order in which they matured.
14 (d) In cases enforced pursuant to Part D
15 (commencing with Section 651) of Subchapter 4 of
16 Chapter 7 of Title 42 of the United States Code, if a
17 lump-sum payment is collected from a support obligor
18 who has money judgments owing to more than one
19 family, after the implementation of the Statewide
20 Automated Child Support System—~~or the interface with~~

~~the Los Angeles County Access Replacement System, all,~~
all support collected shall be distributed pursuant to
guidelines developed by the State Department of Social
Services.

(e) Notwithstanding subdivisions (a), (b), and (c), a
collection received as a result of a tax refund offset shall
first be credited against the interest and then the
principal amount of past due support that has been
assigned to the state pursuant to Section 11477 of the
Welfare and Institutions Code and federal regulations
prior to the interest and then principal amount of any
other past due support remaining unsatisfied.

SEC. 2. Section 11350.5 of the Welfare and Institutions
Code is amended to read:

11350.5. (a) As authorized by subdivision (d) of
Section 704.120 of the Code of Civil Procedure, the
following actions shall be taken in order to enforce
support obligations which are not being met. Whenever
a support judgment or order has been rendered by a court
of this state against an individual who is entitled to any
unemployment compensation benefits or
unemployment compensation disability benefits, the
district attorney may file a certification of support
judgment or support order with the State Department of
Social Services, verifying under penalty of perjury that
there is or has been a judgment or an order for support
with sums overdue thereunder. The department shall
periodically present and keep current, by deletions and
additions, a list of the certified support judgments and
orders and shall periodically notify the Employment
Development Department of individuals certified as
owing support obligations.

(b) If the Employment Development Department
determines that an individual who owes support may
have a claim for unemployment compensation disability
insurance benefits under a voluntary plan approved by
the Employment Development Department in
accordance with Chapter 6 (commencing with Section
3251) of Part 2 of Division 1 of the Unemployment
Insurance Code, the Employment Development

1 Department shall immediately notify the voluntary plan
2 payer. When the department notifies the Employment
3 Development Department of changes in an individual's
4 support obligations, the Employment Development
5 Department shall promptly notify the voluntary plan
6 payer of these changes. The Employment Development
7 Department shall maintain and keep current a record of
8 individuals who owe support obligations who may have
9 claims for unemployment compensation or
10 unemployment compensation disability benefits.

11 (c) Notwithstanding any other provision of law, the
12 Employment Development Department shall withhold
13 the amounts specified below from the unemployment
14 compensation benefits or unemployment compensation
15 disability benefits of individuals with unmet support
16 obligations. The Employment Development
17 Department shall periodically forward ~~them~~ *the amounts*
18 to the State Department of Social Services for distribution
19 to the appropriate certifying county.

20 (d) Notwithstanding any other provision of law,
21 during the payment of unemployment compensation
22 disability benefits to an individual, with respect to whom
23 the Employment Development Department has notified
24 a voluntary plan payer that the individual has a support
25 obligation, the voluntary plan payer shall withhold the
26 amounts specified below from the individual's
27 unemployment compensation disability benefits and
28 shall periodically forward ~~them~~ *the amounts* to the
29 appropriate certifying county.

30 (e) The amounts withheld in subdivisions (c) and (d)
31 shall be equal to 25 percent of each weekly
32 unemployment compensation benefit payment or
33 periodic unemployment compensation disability benefit
34 payment, rounded down to the nearest whole dollar,
35 which is due the individual identified on the certified list.
36 However, the amount withheld may be reduced to a
37 lower whole dollar amount through a written agreement
38 between the individual and district attorney's office or
39 through an order of the court.

(f) The State Department of Social Services shall ensure that the appropriate certifying county shall resolve any claims for refunds in the amounts overwithheld by the Employment Development Department or voluntary plan payer.

(g) No later than the time of the first withholding, the individuals who are subject to the withholding shall be notified by the payer of benefits of all of the following:

(1) That his or her unemployment compensation benefits or unemployment compensation disability benefits have been reduced by a court-ordered support judgment or order pursuant to this section.

(2) The address and phone number of the district attorney's office which submitted the certificate of support judgment or order.

(3) That the support order remains in effect even though he or she is unemployed or disabled unless it is modified by court order, and that if the amount withheld is less than the monthly support obligation, an arrearage will accrue. The State Department of Social Services shall work with the Employment Development Department to develop language to be included in the notice which informs individuals who are subject to withholding under this section regarding how a modification of an order for support may be pursued.

(h) The individual may ask the appropriate court for an equitable division of the individual's unemployment compensation or unemployment compensation disability amounts withheld to take into account the needs of all the persons the individual is required to support.

(i) The State Department of Social Services and the Employment Development Department shall enter into any agreements necessary to carry out this section.

(j) For purposes of this section, "support obligations" means the child and related spousal support obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act and as that section may hereafter be amended. However, to the extent "related spousal support obligation" may not be collected from unemployment compensation under federal law,

1 those obligations shall not be included in the definition of
2 support obligations under this section.

3 SEC. 3. Notwithstanding Section 17610 of the
4 Government Code, if the Commission on State Mandates
5 determines that this act contains costs mandated by the
6 state, reimbursement to local agencies and school
7 districts for those costs shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the
10 claim for reimbursement does not exceed one million
11 dollars (\$1,000,000), reimbursement shall be made from
12 the State Mandates Claims Fund.

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

